



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/544,098

05/04/2006

Andre Barkowski

10191/4212

9442

26646 7590 12/30/2008  
KENYON & KENYON LLP  
ONE BROADWAY  
NEW YORK, NY 10004

EXAMINER

MARC, MCDIEUNEL

ART UNIT

PAPER NUMBER

3664

MAIL DATE

DELIVERY MODE

12/30/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/544,098	<b>Applicant(s)</b> BARKOWSKI ET AL.	
	<b>Examiner</b> MCDIEUNEL MARC	<b>Art Unit</b> 3664	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 02 October 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 12-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 12-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 August 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. The application filed on 08/01/2005 has been examined. Claims 1-11 had been cancelled. Claims 12-22 are pending.
2. The information disclosure Statement (IDS) filed 08/01/2005, 08/02/2007, 11/06/2007 and 10/02/2008 have been considered as indicated. Note the search reports are treated as statements of relevancy of the cited patent documents and/or publications and do not constitute prior art in and of themselves.

### ***Specification***

3. The disclosure is objected to because of the following informalities:

The disclosure has terms “RGB”, “HMI” and “LVDS” that are not properly defined as required for acronyms. Acronyms must be defined at their first usage in the disclosure. The entire disclosure should be checked for the proper used of acronyms. Appropriate correction is required.

### ***Claim Objections***

Art Unit: 3664

4. Claims 14 and 16 objected to because of the following informalities:

Acronyms must be defined at their first usage in the disclosure. See “HMI” in line 6, of claim 14, and line 4 of claim 16. Appropriate correction is required.

***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 12-22 are rejected under 35 U.S.C. 102(e) as being anticipated by Kelly et al., (US 2003/0195676).

As per claim 12, Kelly et al., 2003/0195676 teaches a vehicle monitoring system that includes a *computer system in a vehicle* (see Fig. 5), *comprising: at least two computers that perform different tasks* (see Fig. 5, elements 18 and 48), *wherein: a distribution of the tasks among the at least two computers takes place according to a significance of functions for a driving of the vehicle, the functions including driving-related functions that are implemented in a first computer of the at least two computers* (see Fig. 5, element 18), *and non-driving-related functions that are implemented in a second computer of the at least two computers* (see Fig. 5,

Art Unit: 3664

element 48, has been considered as the second computer that receive driving function from bus 47 and 51).

As per claim 13, Kelly et al., 2003/0195676 teaches a vehicle monitoring system that includes a *wherein the driving-related functions are vehicle-specific functions* (see Fig. 5, elements 18, 22 and 29).

As per claims 14 and 15, Kelly et al., 2003/0195676 teaches a vehicle monitoring system that includes a *wherein the driving-related functions contain specific information connected with at least one of: one of an operation, a navigation, and a driving of the vehicle, a warning and an orientation of a driver* (see Fig. 5, elements 17, 18, 22 and 29), *and the driving-related functions form a driver-related HMI<sup>1</sup> and a driver information system* (see Fig. 5, element 48 has been considered as means for having MHI logic function); *and wherein the non-driving-related functions are entertainment-specific functions* (see Fig. 5, element 48, being considered as means for alarming, scripting, data logging, and recipe management, with a fully configured Web Server).

As per claim 16, Kelly et al., 2003/0195676 teaches a vehicle monitoring system that includes a *wherein: the driving-related functions include at least one of the following functions: navigation systems* (see Fig. 5, element 17), *one of an HMI logic system and an HMI manager that one of controls and evaluates a display and an operation of the vehicle* (see Fig. 5, element 48 has been considered as means for having MHI logic function as noted above), *one of speech*

---

<sup>1</sup> **Fully Integrated HMI.** Logic Developer-PC works seamlessly with the fully integrated CIMPPLICITY Machine Edition View product, giving you the power of alarming, scripting, data logging, and recipe management. With the fully configured Web Server, you can view and control your plant using a standard Web browser.

Art Unit: 3664

*recognition software and speech synthesis software, a program for outputting one of driving instructions and driver warnings (see Fig. 5, element 17 has been considered as means for voice to speech function), and a representation of two-dimensional maps for orientation (see Fig. 5, element 17 has been considered as means for displaying maps), and the non-driving-related functions include at least one of the following functions: an Internet browser, a service download, a representation of three-dimensional graphics, an application for entertaining passengers, a game, a video reproduction system, a digital video broadcast system (see Fig. 5, element 48 has been considered as means for having all the above mentioned function), and a connection of connectable portable devices including one of a laptop and a PDA (see Fig. 5, wherein by design choice element 16, can be a PDA; and element 48 has been considered as a laptop).*

As per claim 17, Kelly et al., 2003/0195676 teaches a vehicle monitoring system that includes a *wherein the second computer is a powerful multimedia computer* (see Fig. 5, element 48).

As per claim 18, Kelly et al., 2003/0195676 teaches a vehicle monitoring system that includes a *wherein at least one interface provided between the first computer and the second computer* (see Fig. 5, element 31, wherein internal or not has been considered as interface between elements 18 and 41).

---

Art Unit: 3664

As per claim 19, Kelly et al., 2003/0195676 teaches a vehicle monitoring system that includes a *wherein the first computer is connected to an internal vehicle bus* (see Fig. 5 has been considered internal).

As per claim 20, Kelly et al., 2003/0195676 teaches a vehicle monitoring system that includes a *wherein a computing-intensive function of a driving-related part are computed in a non-driving-related part* (see Fig. 5, element 15).

As per claim 21, Kelly et al., 2003/0195676 teaches a vehicle monitoring system that includes a *wherein the first computer gives computing-intensive tasks to the second computer, and the first computer executes the computer-intensive tasks if the second computer is not available* (see Fig. 5, element 15, 18 and 48).

As per claim 22, Kelly et al., 2003/0195676 teaches a vehicle monitoring system that includes a *multimedia computer for use in a motor vehicle, wherein the multimedia computer implements entertainment functionalities and is connected via at least one interface with an additional computer that implements driving functions* (see Fig. 5, elements 16 and 48).

### ***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited documents are of general interest.

Art Unit: 3664

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to MCDIEUNEL MARC whose telephone number is (571)272-6964. The examiner can normally be reached on 6:30-5:00 Mon-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571) 272-6919. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/McDieunel Marc/**  
Examiner, Art Unit 3664

Wednesday, December 10, 2008

**/KHOI TRAN/**  
Supervisory Patent Examiner, Art Unit 3664